

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

New Cingular Wireless PCS, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:11-cv-00016-PB
)	
Town of Amherst, New Hampshire, et. al.,)	
)	
Defendants.)	
)	

ORDER OF REMAND TO PLANNING BOARD

This matter having come before the Court on the parties' Joint Motion to Remand, it is hereby ordered that final judgment shall enter (a) vacating the decision of the Amherst Planning Board (the "Board") of December 15, 2010, and (b) remanding this matter to the Board for further proceedings on the plaintiff's application for site plan approval and related relief with instructions that the Board shall reach a decision on the merits of AT&T's application on or before May 12, 2011, which date shall be considered the FCC's "Shot Clock" deadline¹ for purposes of these proceedings, and which date may be further extended by mutual agreement of the parties.

By the Court,

/s/ Paul Barbadoro

US District Judge

Dated: February 22, 2011

¹ See *In the Matter of Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance*, FCC 09-99, WT Docket No. 08-165 (Nov. 18, 2009), stay denied by *In the Matter of Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance*, DA10-212, WT Docket No. 08-165 (Jan 29, 2010), and reconsideration denied by *In the Matter of Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance*, FCC10-144, WT Docket No. 08-165 (Aug. 4, 2010).